

REMARKS

The Applicants do not believe that examination of the foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the above amendment be entered in and that the claims to the present application, kindly, be reconsidered.

The Office Action dated August 11, 2005 has been received and considered by the Applicants. Claims 1-20 are pending in the present application for invention. Claims 1-20 are rejected by the August 11, 2005 Office Action.

The Office Action objects to the drawings for not indicating how the lines from Fig. 1 are connect to Figure 2A and 2B. Replacement drawing for Figures 1, 2A and 2B that correct these oversights are submitted herewith for the Examiners review.

The Office Action objects to Claims 9 and 19 for being improper multiple dependent claims. The Examiner states that a multiple dependent claim cannot depend from other multiple dependent claims. The foregoing amendment to the claims has corrected this oversight.

Claim 6 is rejected under the provisions of 35 U.S.C. §112 for not having sufficient antecedent basis for the recitation "regional preference". The foregoing amendment to the claims has corrected this oversight.

The Office Action rejects Claims 1 and 11 under the provisions of 35 U.S.C. §102(e), as being anticipated by U.S. Patent No. 6,470,136 issued in the name of Kohashi (hereinafter referred to as Kohashi). The Examiner states that Kohashi teaches the subject matter defined by the rejected claims including the elements related to the logical channel number.

The Applicant, respectfully, point out that that the MPEP at §2111.01 states that "the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989)." The specification to the present application for invention at page 3, lines 15-16 defines logical channel number as receiver information about a preferred programme location. The specification on page 3, lines 20-23 further defines logical channel number as being allocated on a country by country basis based on mutual agreement among the different service providers. The specification on page 3, lines 20-23 further states regarding the logical channel number that in one country the logical channel numbers are allocated uniquely

according to this agreement, thus, services with the same original network id and service id have the same logical channel number. The Applicant, respectfully, asserts that logical channel numbers as defined by the present application for invention are not disclosed or suggested by Kohashi, specifically, as used within the rejected claims.

The Examiner indicates that logical channel number is disclosed by Fig. 3A of Kohashi. The Applicant, respectfully, points out that Fig. 3A of Kohashi only discloses channels in general and the term "logical channel number" can not be read so broadly as to encompass any disclosure related to channel. The Applicant has the right to be his own lexicographer. As clearly stated in the MPEP at §2111.01, where "an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a 'lexicographic vacuum, but in the context of the specification and drawings'). Any special meaning assigned to a term 'must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention.' *Multiform Desiccants Inc. v. Medzam Ltd.*, 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998)." As discussed above, the Applicant has clearly defined the term "logical channel number" and this term must be interpreted consistent with the definition that is supplied by the specification to the present invention.

There is no disclosure or suggestion within Kohashi for "logical channel number" or any assignment rules based on logical channel numbers. Therefore, this rejection is traversed.

The Office Action rejects Claim 2-4, and 12-14 under the provisions of 35 U.S.C. §103(a), as being obvious over Kohashi in view of U.S. Patent No. 6,133,910 issued in the name of Stinebruner (hereinafter referred to as Stinebruner). In this rejection the Examiner contradicts and reversed statements made in the previous rejection under §102(e). In the current rejection the Examiner states that Kohashi system Pos (channels) do not necessarily correspond to logical channel numbers. In the current rejection the Examiner asserts that the Stinebruner teaches assigning programming locations and that the program locations correspond to logical channel numbers. For the above discussed reasons, the Applicant can not concur that the virtual; channels being mapped into actual channel or local programming channels as taught by Stinebruner can be construed as disclosing or suggesting the use of logical channel numbers as defined by the rejected claims. The use of preferences

and logical channel numbers as defined by the rejected claims is not disclosed or suggested by Stinebruner or Kohashi, either alone or in combination. Therefore, this rejection is traversed.

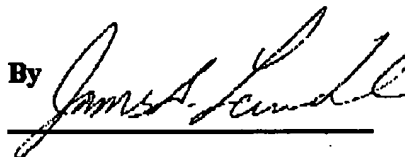
The Office Action rejects Claim 5/2-4, and 15/12-14 under the provisions of 35 U.S.C. §103(a), as being obvious over Kohashi in view of Stinebruner and further in view of U.S. Patent No. 6,272,343 issued in the name of Pon et al. (hereinafter referred to as Pon et al.). The Examiner asserts that Pon et al. teach that in the case of conflict between logical channel numbers and country of origin, preference is given to the signal with the highest signal strength. The Applicant, respectfully, points out that there is no disclosure or suggestion for any conflict between logical channel numbers and country of origin within Pon et al., therefore, it is not possible for any preference to be given for conflicts between logical channel numbers and country of origin. Therefore, this rejection is traversed.

The Office Action rejects Claim 65/2-4, 16/12-14 and 17-18 under the provisions of 35 U.S.C. §103(a), as being obvious over Kohashi in view of Stinebruner and further in view of U.S. Patent No. 6,272,343 issued in the name of Young et al. (hereinafter referred to as Young et al.). The Examiner asserts that Young et al. teach that in the case of conflict between logical channel numbers and country of origin, preference is given to the any broadcast signal containing information about the transmitting network corresponding to the predetermined network preference. The Applicant, respectfully, points out that there is no disclosure or suggestion for any conflict between logical channel numbers and country of origin within Young et al., therefore, it is not possible for any preference to be given for conflicts between logical channel numbers and country of origin. Therefore, this rejection is traversed.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

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